IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT PETITION NO : 11565 of 2004**

Between:

Md. Riyaz S/o Sayed Ahmed
Gay Korba Gally, Bhinsa (V) &(M) Adilabad District

**..... PETITIONER**

AND

1 The Superintending Engineer (Assessment )Northern Power Distribution Company of AP,Warangal.
2 Assistant Divsional engineer (Operation ) Bhinsa, Adilabad District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st Respondent in passing the impugned order vide Lr.No.SE/A/WGL/C.ADB/P.Ecase/F-163/D.No.83/04 dt. 29/04/2004 is illegal, arbitrary and violative of principles of natural justice and consequently set aside the impugned order and direct the respondents to restore the power supply to flour mill of the petitioner to meter No. 2575 Cat-III

Counsel for the Petitioner:MR.J.RAMACHANDRA RAO

Counsel for the Respondents : (SC FOR A.P.S.E.B.)

**The Court at the admission stage made the following :**

This writ petition is filed by the petitioner aggrieved by the provisional assessment-cum-show cause notice under which the alleged pilfered power committed by the petitioner was estimated at Rs.70,252/-. The petitioner was asked to deposit the said amount, at the same time, he was also directed to file his explanation. Now the petitioner has come up with the present writ petition contending that the said estimation of the alleged pilfered power is incorrect as the petitioner's flour mill is a small one and the petitioner is not in a position to comply the said demand, therefore, sought for appropriate orders.

Learned counsel for the petitioner also stated that the respondents have already disconnected the power supply to the flour mill of the petitioner for non-payment of the said amount shown in the provisional assessment-cum-show cause notice.

As the proceedings are yet to be finally assessed by the respondents, the writ petition is disposed of at the admission stage, directing the respondents to restore the power supply to the petitioner's flour mill on payment of a sum of Rs.25,000/- (Rupees twenty five thousand only). The petitioner is further directed to file his explanation, if not already filed to the provisional assessment-cum-show cause notice, within a period of two weeks from the date of receipt of a copy of this order.

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08-07-2004

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To

1 The Superintending Engineer (Assessment )Northern Power Distribution Company of AP,Warangal.
2 Assistant Divsional engineer (Operation ) Bhinsa, Adilabad District
3 Two C.D. copies